

Testimony house bills 5541

Planning and development committee

March 21, 2014

Chief Francis Alaimo

Good morning Madam Chair and distinguished members of the committee. My name is Chief Francis Alaimo. I have been employed by the Thompsonville Fire Department for 35 years. I am currently a member of the Connecticut Career Chiefs. I have the pleasure of sitting on labor management committee and the legislative committee. I come here in support of House Bill 5541, written in its current form except for the paragraph to change from three commissioners to five commissioners. The district has already made that change at a special District meeting held on March 19th, 2014 (see **Exhibit 1**).

As some of you may remember, we were here last year for a similar bill. That particular bill did not come out of committee. After that process a lawsuit was filed against the fire district on July 5, 2013. It was filed by the Concerned Taxpayers of the Thompsonville Fire District (CTTFD). On October 3rd, 2013 the lawsuit was dismissed by Judge Peck in favor of the Thompsonville Fire District (see **Exhibit 2**).

On October 5th, 2013 an appeal was filed by Attorney Ryan Mckeen, (see **Exhibit 3**). The fire district responded to that

appeal (see **Exhibit 4**). A pretrial conference is scheduled for April 3, 2014.

In late December 2013 we received a phone call from State Representative David Alexander in which he invited us to meet with him to discuss our Special Act. My Assistant Chief, William Provencher, and I agreed to the meeting. Representative Alexander was representing the CTTFD, the plaintiffs in the lawsuit. He wondered if we could come to some kind of compromise to resolve our differences. We agreed to negotiate in good faith and were very excited about the offer. I sent an e-mail to Representative Alexander thanking for the meeting (see **Exhibit 5**).

My emails to Representative Alexander dated January 10th, March 10, and March 13, 2014 (see **Exhibit 6**) show that the good faith bargaining had started and was continuing on a positive track. At the same time we were in negotiations with our local union, Thompsonville Firefighters IAFF 3059. So our negotiations and the dialogue with Representative Alexander became one. As you will see the items that we proposed, we were interested in the health and safety of our firefighters, the district recognizing State statutes, such as the Municipal Employees Act, protection for our firefighters' staff reduction, and the need for necessary equipment. We proposed the

district budget will go to a referendum if it exceeded a 4% increase from the previous fiscal year budget.

Shortly after a verbal tentative agreement between Representative Alexander and ourselves was reached. We didn't receive everything we were asking for relative to job protection and the health and safety of the firefighters. But we understand that's part of the process. Paul Rapanault, a representative from the Uniform Professional Firefighters Association of Connecticut, in the spirit of good faith bargaining, finalized the agreement with Representative Alexander. Over a 3% increase in the budget would require a referendum.

After the proposed legislation was completed, we had an opportunity to review it. On March 13th, 2014 the fire district's attorney, Attorney Carl Landolina, e-mailed Representative Alexander describing the steps the District has already taken relative to five Commissioners and to help him with the wording of 3% trigger. (see **Exhibit 7**).

Shortly after Representative Alexander notified the CTTFD of the agreement. On March 14th, 2014, the Vice President of the CTTFD, Mr. Donald Christmas, posted the group's opinion of the agreement between the parties (see **Exhibit 8**).

The collective bargaining process proceeded between the Fire District and Thompsonville Firefighter 3059. With both sides of the table having the knowledge of the 3% trigger it helped us tremendously to reach a tentative agreement. On March 18, 2014 the parties signed off on a tentative agreement for a collective bargaining agreement that will run through June 30, 2017. Just hours after reaching that agreement we received word from the Capital that Representative Alexander was changing his position. He was going to withdraw the 3% trigger for referendum on the budget.

I appreciate all the time and effort that Representative Alexander has put into the process and it was a pleasure working with him. But now that Representative Alexander has taken this position, I do not support or agree with his proposed legislation House Bill 5541

Respectfully submitted

Francis Alaimo

Fire Chief

Thompsonville Fire District

A handwritten signature in black ink, appearing to read "Francis Alaimo", written in a cursive style.

EXHIBIT 1

LEGAL NOTICE
THOMPSONVILLE FIRE DISTRICT #2
11 Pearl Street
Enfield, CT 06082

WARNING
SPECIAL DISTRICT MEETING

The legal voters of the Thompsonville Fire District #2 are hereby WARNED and NOTIFIED that a Special Meeting of said District will be held at the Enfield Town Hall, Enfield Room, Lower Level, 820 Enfield St. Enfield, CT on:

WEDNESDAY, MARCH 19, 2014 AT 5:30 p.m.

FOR THE FOLLOWING PURPOSES:

1. To appoint a moderator to preside over this meeting
2. To discuss and act on the adoption of the following resolutions:
 - A. The number of members of the Board of Fire Commissioners of the Thompsonville Fire District No. 2 shall be increased from three to five. At the annual meeting of the District to be held in May 2014 two additional Fire Commissioners shall be elected to each serve three year terms.
 - B. Commencing with the annual meeting to be held in May 2014, the election of Fire Commissioners shall take place from 12:00 noon to 8:00 p.m. at a polling place within the District. The Board of Commissioners shall designate the location of the polling place at least thirty (30) days prior to the day of the annual meeting.
 - C. Commencing with the election of Fire Commissioners to be held in May 2014, any person intending to run for the office of Fire Commissioner shall announce his/her intention to seek the position of Fire Commissioner, either in person or by written proxy, at the first regular meeting held in April of each year. All such persons shall also submit a letter to the District Clerk announcing his/her intention to seek office at or before the first regular meeting scheduled for April of each year. The District Clerk shall thereafter notify the Town Clerk of the Town of Enfield of the names of those individuals announcing their intention to seek office and the District Clerk shall thereafter publish the names of all such candidates in a newspaper having a general circulation in the Town of Enfield at least fifteen (15) days prior to the date of the election. The failure of the Clerk to publish said names shall not preclude the election of any such candidate who has notified the District Clerk of his/her intention to seek office as provided herein.

Per Order, BOARD OF FIRE COMMISSIONERS

Dominic Alaimo –Chairman
Roger Alsbaugh – Commissioner
Robert Gillespie – Commissioner

EXHIBIT 2

NO. HHD CV 13-6043230-S : SUPERIOR COURT
CONCERNED TAXPAYER OF THE : J.D. OF HARTFORD
THOMPSONVILLE FIRE DISTRICT,
STEVE COGTELLA AND ERLINE
PROVENCHER : AT HARTFORD
VS. :
BOARD OF FIRE COMMISSIONERS
OF THE THOMPSONVILLE FIRE
DISTRICT : OCTOBER 3, 2013

MEMORANDUM OF DECISION

This is an action for declaratory and injunctive relief arising from the proposed construction of a new fire house and the adoption of the annual budget by the defendant, board of fire commissioners of the Thompsonville fire district (board). On July 5, 2013, the plaintiffs, Concerned Taxpayers of the Thompsonville fire district (Concerned Taxpayers), and Steve Cogtella and Erline Provencher (individual plaintiffs), filed a verified complaint and motion for temporary injunction against the defendant. On August 2, 2013, the plaintiffs filed an application for an emergency temporary ex parte injunction. On the same day, the court ordered the parties to submit a position statement as to the plaintiffs' motion for temporary injunction. On August 15, 2013, the defendant filed a statement raising, inter alia, the issue of standing. On August 21, 2013 and August 30, 2013, the court held a hearing on the issues of standing, the

cc: McKeen Law Firm, LLC (P)
Morrison Mahoney LLP (SDE) d E-130 E102
Fahay + Landolina Attorneys LLC (D)
Rptr. Jud. Decisions
10/3/13 *all*

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motion for temporary/permanent injunction and declaratory relief, by agreement of the parties,¹ due to the exigent nature of the plaintiffs' claims.²

The material facts of the case, as presented at the hearing, are not in dispute. On May 23, 2013, the Thompsonville fire district (district) held its annual meeting. At the annual meeting, the electors voted in a new fire commissioner; a public hearing was held to discuss the district's annual budget; and, the board adopted the 2013-14 budget, effective July 1, 2013. The electors of the district had voted on the annual budget for the previous thirty-five years but, at the May 23, 2013 annual meeting, they were not afforded the opportunity to vote on the 2013-14 budget. Although there is no specific line item for a new fire house included within the 2013-14 budget, there is a line item for debt servicing of the construction financing for a new \$3.5 million fire

¹ "It is not uncommon for a hearing on a temporary injunction to be converted, with the consent of the parties, to a hearing on a permanent injunction." *Doublewal Corp. v. Toffolon*, 195 Conn. 384, 392, 488 A.2d 444 (1985). On August 30, 2013, the parties agreed on the record that the hearing was to be on the merits of the plaintiffs' claims for declaratory and injunctive relief. Although the court would ordinarily hear a motion to dismiss preliminarily, because the motion to dismiss was addressed to the issue of standing, which required an evidentiary hearing, and that issue was intertwined with the merits of the plaintiffs' claims, the parties chose to hold a single hearing that could address all the issues before the court.

² Although the exigency articulated in the August 1, 2013, was that the board enacted the 2013-14 budget without allowing the electors to vote on it, in the course of the hearing, the real exigency was revealed to be that a bid had been accepted by the defendant for the construction of a new fire house and the start date was imminent. The original motion for temporary injunction, filed on July 5, 2013, was conclusory in form and stated it was seeking a temporary injunction in accordance with the prayer for relief. The August 2, 2013 motion and appended order for the first time requested that the construction of the new fire house be enjoined pending resolution of the merits of this case.

house. Taxes for the district did not increase with the adoption of the 2013-14 budget. A failure to adopt a new annual budget would result in the previous year's budget "remaining in place."

Following the meeting, a group of approximately 200 electors of the district formed the Concerned Taxpayers in response to not being allowed to vote on the 2013-14 budget. The individual plaintiffs reside in and pay taxes in the district and were present at the May 23, 2013 meeting. There is no dispute that they are in all respects qualified electors of the district.

The plaintiffs allege in their complaint that they were illegally deprived of their right to vote on the adoption of the 2013-14 budget. Their prayer for relief states that they seek to enjoin the board from implementing the 2013-14 budget "without having a referendum" and seek a declaration "that eligible electors have the right to vote on annual budgets and other matters heard at annual and special meetings by referendum."³ They also seek to vacate the currently adopted 2013-14 budget and request an order directing the board to hold a referendum on the 2013-14 budget. The July 5, 2013 application for temporary injunction seeks a temporary injunction in accordance with the prayer for relief. The August 2, 2013 application for emergency temporary injunction seeks a temporary restraining order to enjoin the defendant from proceeding with construction of a new fire house pending the resolution of the merits.

³ The prayer for relief also seeks damages but the plaintiffs have not pressed this claim.

At the conclusion of the evidence, the plaintiffs argued that 1) the defendant violated the amended special act⁴ by depriving the plaintiffs of their right to vote on budget approval at the annual meeting; 2) the plaintiffs have a right to vote on the budget because electors have been voting on the budget approval for at least the past thirty-five years; 3) the annual meeting was held on May 23, 2013, the fourth Thursday instead of the second or third Thursday in May as required by the special act; and, 4) the defendant acted illegally by engaging in secret meetings.⁵ Despite the August 2, 2013 application for emergency temporary ex parte injunction seeking a temporary restraining order to enjoin the defendants from proceeding with construction of the new firehouse pending resolution of the merits of this case," the plaintiffs have not specifically requested this relief in their complaint and have not sought to amend the complaint to add this claim. When the court raised this at the August 30, 2013 hearing and pressed plaintiff's counsel on this issue, without directly answer the question as posed to him, he essentially conceded that there was nothing to stop the board from proceeding with the construction of the new fire house

⁴ The amendment in question is to 22 Spec. Acts 294, No. 460 (1935) (Special Act 460) (creating the Thompsonville fire district), as amended by the 2009 amendment to Special Act 460, No. 09-5 of the 2009 Special Acts (Special Act 09-5).

⁵ The court notes that the complaint contains no mention of prohibiting the construction of a new fire house. "It is well established that the right of a plaintiff to recover is limited by the allegations of the complaint . . . and any judgment should conform to the pleadings, the issues and the prayers for relief." *David Caron Chrysler Motors, LLC v. Goodhall's, Inc.*, 304 Conn. 738, 744, 43 A.3d 164 (2012). Despite an opportunity to do so, the plaintiffs did not ask to amend the complaint to include seeking an injunction to prevent the defendant from proceeding with the construction of the new fire house. The plaintiffs have not argued or briefed items 3 and 4 in their post hearing memorandum and the court considers them abandoned.

and that, even without a 2013-14 budget in place, the commissioners could reallocate funds from last year's budget and proceed with the project.

In opposition to the plaintiffs' complaint, the defendant contends that the plaintiffs lack standing to bring such an action.⁶ On the merits, the defendant counters that the plaintiffs have not proven the requirements necessary for a permanent injunction. Since standing goes to the subject matter jurisdiction of the court, it is addressed below as a threshold matter.

I

STANDING

"[T]he question of subject matter jurisdiction, because it addresses the basic competency of the court, can be raised by any of the parties, or by the court sua sponte, at any time. . . . [T]he court has a duty to dismiss, even on its own initiative, any [case] that it lacks jurisdiction to hear. . . . Moreover, [t]he parties cannot confer subject matter jurisdiction on the court, either by waiver or by consent." (Internal quotation marks omitted.) *Kozłowski v. Commissioner of Transportation*, 274 Conn. 497, 502, 876 A.2d 1148 (2005).

"A motion to dismiss [for lack of standing] . . . properly attacks the jurisdiction of the court, essentially asserting that the plaintiff cannot as a matter of law and fact state a cause of action that should be heard by the court. . . . A motion to dismiss tests, inter alia, whether, on the face of the record, the court is without jurisdiction." (Internal quotation marks omitted.) *West*

⁶ Although the defendant raised the issue of standing in its position statement filed August 15, 2013, the defendant did not submit a motion to dismiss on the issue.

Hartford v. Murtha Cullina, LLP, 85 Conn. App. 15, 20, 857 A.2d 354, cert. denied, 272 Conn. 907, 863 A.2d 700 (2004).

"[B]ecause the issue of standing implicates subject matter jurisdiction, it may be a proper basis for granting a motion to dismiss. . . . [S]ee Practice Book § 10-31 (a) (1)." (Citation omitted.) *Electrical Contractors, Inc. v. Dept. of Education*, 303 Conn. 402, 413, 35 A.3d 188 (2012). "The proper procedural vehicle for disputing a party's standing is a motion to dismiss." (Internal quotation marks omitted.) *D'Eramo v. Smith*, 273 Conn. 610, 615 n.6, 872 A.2d 408 (2005). "If . . . the plaintiff's standing does not adequately appear from all materials of record, the complaint must be dismissed." (Internal quotation marks omitted.) *Burton v. Dominion Nuclear Connecticut, Inc.*, 300 Conn. 542, 550, 23 A.3d 1176 (2011).

"Standing is the legal right to set judicial machinery in motion. One cannot rightfully invoke the jurisdiction of the court unless he [or she] has, in an individual or representative capacity, some real interest in the cause of action, or a legal or equitable right, title or interest in the subject matter of the controversy. . . . Where a party is found to lack standing, the court is consequently without subject matter jurisdiction to determine the cause." (Citation omitted; internal quotation marks omitted.) *J.E. Robert Co. v. Signature Properties, LLC*, 309 Conn. 307, 308, __A.3d__ (2013).

"Standing is not a technical rule intended to keep aggrieved parties out of court; nor is it a test of substantive rights. Rather it is a practical concept designed to ensure that courts and parties are not vexed by suits brought to vindicate nonjusticiable interests and that judicial

decisions which may affect the rights of others are forged in hot controversy, with each view fairly and vigorously represented. . . . These two objectives are ordinarily held to have been met when a complainant makes a colorable claim of direct injury he has suffered or is likely to suffer, in an individual or representative capacity. Such a personal stake in the outcome of the controversy . . . provides the requisite assurance of concrete adverseness and diligent advocacy. . . . The requirement of directness between the injuries claimed by the plaintiff and the conduct of the defendant also is expressed, in our standing jurisprudence, by the focus on whether the plaintiff is the proper party to assert the claim at issue. . . .

“Two broad yet distinct categories of aggrievement exist, classical and statutory. . . . Classical aggrievement requires a two part showing. First, a party must demonstrate a specific, personal and legal interest in the subject matter of the [controversy], as opposed to a general interest that all members of the community share. . . . Second, the party must also show that the [alleged conduct] has specially and injuriously affected that specific personal or legal interest. . . . “Statutory aggrievement exists by legislative fiat, not by judicial analysis of the particular facts of the case. In other words, in cases of statutory aggrievement, particular legislation grants standing to those who claim injury to an interest protected by that legislation. . . .” (Internal quotation marks omitted.) *Andross v. West Hartford*, 285 Conn. 309, 322, 939 A.2d 1146 (2008).

“The plaintiff bears the burden of proving subject matter jurisdiction, whenever and however raised. . . . A plaintiff has the burden of proof with respect to standing. . . . To

establish aggrievement, first, the plaintiff [must allege] facts which, if proven, would constitute aggrievement as a matter of law, and, second . . . [prove] the truth of those factual allegations.” (Citations omitted; internal quotation marks omitted.) *Emerick v. Glastonbury*, 145 Conn. App. 122, 128-29, __A.3d__ (2013).

The plaintiffs have not alleged classical aggrievement; nor have they specifically alleged statutory aggrievement or taxpayer standing, although they arguably have done so by implication.⁷ The defendant argues that the plaintiffs have not proven the requirements of taxpayer standing. Specifically, the defendant asserts that the plaintiffs cannot prove that they have been financially harmed or that their taxes have increased as a result of the board’s adoption of the 2013-14 budget. The plaintiffs counter that they have been injured as taxpayers by having the 2013-14 budget enacted without a referendum. In addition to taxpayer standing, the plaintiffs claim to have standing as voters.

A

Taxpayer Standing

“In addition to establishing standing through statutory or classical aggrievement, [our Supreme Court] has recognized taxpayer standing. The plaintiff’s status as a taxpayer does not

⁷ The plaintiffs have alleged that they are taxpayers of the district who were denied their right to vote on the annual budget by the board. They also have argued that their right to vote on “any matter or question at an annual or special meeting of the district” was expressly granted by Special Act No. 09-5.” As the reasons stated later in this memorandum, the court rejects this interpretation of this provision.

automatically give [it] standing to challenge alleged improprieties in the conduct of the defendant town. . . . The plaintiff must also allege and demonstrate that the allegedly improper municipal conduct cause[d] [it] to suffer some pecuniary or other great injury. . . . It is not enough for the plaintiff to show that [its] tax dollars have contributed to the challenged project . . . [T]he plaintiff must prove that the project has directly or indirectly increased [its] taxes . . . or, in some other fashion, caused [it] irreparable injury in [its] capacity as a taxpayer.” (Internal quotation marks omitted.) *Andross v. West Hartford*, supra, 285 Conn. 323.

In the present case, the plaintiffs’ claim of taxpayer standing is intertwined with their claim for voter standing and the merits of the complaint for declaratory relief. Although there is no dispute that the 2013-2014 budget, as adopted by the board did not increase their taxes, the plaintiffs represent that they sustained “great” and irreparable injury in their capacities as taxpayers when they were denied their right to vote on the 2013-14 budget at the annual meeting. The plaintiffs do not allege irreparable injury in any other way. Therefore, the plaintiffs must prove their right to vote on the 2013-14 budget in order to establish their standing as taxpayers.

B

Voter Standing

In *Windham Taxpayers Assn. v. Board of Selectmen*, 234 Conn. 513, 526, 662 A.2d 1281 (1995) (*Windham*), our Supreme Court held that the plaintiffs had both voter standing and taxpayer standing. See also *Slane v. Fairfield*, Superior Court, judicial district of Fairfield, Docket No. CV-13-6035920 (July 19, 2013 *Sommer, J.*) (finding voter standing); *Bridgewater v.*

Board of Education, Superior Court, judicial district of Litchfield, Docket No. CV-06-4005348, (December 26, 2006, *Pickard, J.*) (42 Conn. L. Rptr. 587, 588-89) (finding no voter standing for the individual plaintiffs); *Leahy v. Columbia*, Superior Court, judicial district of Tolland, Docket No. CV-00-73346-S (September, 29, 2000, *Sferrazza, J.*) (28 Conn. L. Rptr. 237, 238) (finding voter standing). In that case, "town residents requested a special town meeting for the purpose of setting the time and place of a townwide referendum to rescind an appropriation of funding for a new school." *Morris v. Congdon*, 277 Conn. 565, 576, 893 A.2d 413 (2006). In finding that the plaintiffs had standing, the Court agreed "with the trial court that both [the plaintiffs] satisfied the requirements of voter standing because, as registered voters in Windham, they were qualified to vote at both the proposed petition referendum and the proposed special town meeting. This right to vote was their legal interest in the present controversy. They were deprived of the opportunity to vote by the board. Therefore, they were aggrieved because if the board had been required to grant either petition and had called a special town meeting, [the plaintiffs] would have been able to exercise their right to vote." *Windham Taxpayers Assn. v. Board of Selectmen*, *supra*, 526.

In the present case, the plaintiffs have presented 22 Spec. Acts 294, No. 460 (1935) (Special Act 460) and the 2009 amendment to Special Act 460, No. 09-5 of the 2009 Special Acts (Special Act 09-5), as evidence of their right to vote on the 2013-14 budget. The defendants counter that Special Act 460 and Special Act 09-5 prove that the plaintiffs do not have a right to vote on the 2013-14 budget. The determination of whether the plaintiffs have

voter standing turns on the statutory construction of Special Act 460 and Special Act 09-5 (fire district acts). If the fire district acts grant the plaintiffs a qualified right to vote on the budget and they were refused that right then they have voter standing. On the other hand, if the fire district acts do not grant the plaintiffs a qualified right to vote on the budget, then they do not have a legal interest and lack voter standing. Therefore, an analysis of the fire district acts is necessary.

II

STATUTORY INTERPRETATION

"The principles that govern statutory construction are well established. When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us first to consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. . . . When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter"

Okeke v. Commissioner of Public Health, 304 Conn. 317, 325-26, 39 A.3d 1095 (2012). "It is an elementary rule of statutory construction that we must read the legislative scheme as a whole in order to give effect to and harmonize all of the parts." (Internal quotation marks omitted.) *Stewart v. Watertown*, 303 Conn. 669, 711, 38 A.3d 72 (2012).

The plaintiffs argue Special Act 09-5 provides that electors have a right to vote on any matter or question that comes up at an annual meeting. The plaintiffs cite Special Act 09-5 as "the only provision of the Special Act [460] that pertains to the right of electors to vote on matters at [the] annual meeting." (Plaintiffs' Post Trial Brief, September 6, 2013, p. 8). Specifically, the plaintiffs point to the last sentence of Special Act 09-5 that states: "Electors may vote on any matter or question at an annual or special meeting of the district." Also, the plaintiffs argue that the thirty-five year history of electors of the district voting on the annual budget is precedential and should be given deference. The court finds the plaintiffs' interpretation unpersuasive.

A

Special Act 09-5

Special Act 460, § 4 as amended by Special Act 09-5, provides in relevant part: "The following shall be electors of the district: (1) Any person residing within the limits of the district and qualified to vote in the affairs of the town of Enfield; and (2) any citizen of the United States of the age of eighteen, or more, who is liable to the district for taxes assessed against such citizen. Electors may vote on any matter or question at an annual or special meeting of the

district." The plain text and unambiguous language of Special Act 09-5 read in conjunction with Special Act 460 creates an increased universe of potential electors and not increased voting rights for the electors.

Special Act 460, as amended by Special Act 09-5, unambiguously sets forth those who are eligible to vote at the special and annual meetings for the district. Eligible voters are both residents who qualify to vote in the affairs of the town of Enfield, and other citizens who may be nonresidents but are liable to the district for taxes. The last sentence of Special Act 09-5 does not expand the voting authority of electors, but rather reinforces the rights of the new electors by stating that they are eligible to vote on any of the matters or questions that existing resident voters in the district are eligible to vote on at the annual or special meetings. This interpretation of Special Act 09-5 is reinforced by the remaining sections of Special Act 460, which when read together provide the board with the authority to vote on the annual budget:

The prior tradition of allowing electors of the district to vote on the annual budget is not entitled to special deference. "Ordinarily, the construction and interpretation of a statute is a question of law for the courts where the administrative decision is not entitled to special deference, particularly where, as here, the statute has not previously been subjected to judicial scrutiny or time-tested agency interpretations" (Internal quotation marks omitted.) *State Medical Society v. Board of Examiners in Podiatry*, 208 Conn. 709, 718, 546 A.2d 830 (1988). Our Supreme Court has "accorded deference to such a time-tested agency interpretation of a statute, but only when the agency has consistently followed its construction over a long period of

time, *the statutory language is ambiguous*, and the agency's interpretation is reasonable."

(Emphasis added.) *Id.*, 719. Here, the statutory language of Special Act 460 and Special Act 09-5 is unambiguous, despite the best efforts of the plaintiffs to cloud it. Also, the "knowledge of and acquiescence" by the board in allowing the electors of the district to vote on the annual budget does not rise to "the level of statutory construction entitled to judicial deference." See *id.* Therefore, no special deference need be given to the board's previous history of affording electors an opportunity to vote on the annual budget.

B

Special Act 460, § 1

Special Act 460, § 1 provides in relevant part: "At the annual meeting of the Thompsonville Fire . . . District in June, 1935, three electors of said district shall be chosen by ballot as a board of fire commissioners. . . . [A]t each subsequent annual meeting of said district to be held as hereinafter provided, one member of said board shall be elected who shall serve for a term of three years and until his successor shall be elected. . . ."

Special Act 460, § 1 provides the framework for electors of the district to vote at an annual meeting for a new board member to replace a previous board member whose three year term has expired. This section is the only section, aside from section six,⁸ that provides the

⁸ Special Act 460, § 6 requires the approval of electors at an annual meeting to empower the board to lay taxes and provide fire services to properties outside of the district. This section is not relevant to the current matter.

electors of the district voting rights. Those voting rights are restricted to the election of a new board member.⁹ Section one does not provide the electors of the district a right to vote on the annual budget.

C

Special Act 460, §§ 3 and 4

Special Act 460, § 3 provides in relevant part: "Said board of fire commissioners shall have the authority formerly granted by special legislative acts to the Thompsonville Fire District . . . and shall re-organize the fire department and make all necessary rules and regulations for the control of the same All apparatus, equipment, buildings, and machinery owned and used by the Thompsonville Fire District for the protection of property from fire shall be under the control and management of said board." Additionally, Special Act 460, § 4 provides in relevant part: "The said Thompsonville Fire District is created a body politic and corporate by the name of The Thompsonville Fire District, and through said board of fire commissioners shall have perpetual succession and shall be a person in law capable of . . . purchasing, holding and conveying real and personal estate requisite for the purposes of maintaining a department and for the protection of property within said district from fire and making appropriations for the same, and may at regular meetings lay taxes upon ratable estate within the limits of said district for the purposes and objects authorized by this act."

⁹ Special Act 460, § 1 also provides for the election of two auditors. This portion is not relevant to the current matter.

The plain language of Special Act 460, §§ 3 and 4 states that The Thompsonville Fire District has broad authority, *through* the board, to control and manage the fire department affairs of the district. The board is granted the authority, inter alia, to manage and control buildings, hold and convey real and personal estate, and to lay taxes. This language, read in whole with the rest of Special Act 460, suggests that the intent of the legislature was to bestow on the board, not the electors of the district, the budgetary powers to fulfill the goals of The Thompsonville Fire District in the protection of property from fire within the district. Thus, the budgetary powers reserved to the board would include the power to establish the annual budget.

Having found that Special Act 460 and Special Act 09-5 do not provide the plaintiffs a qualified right to vote on the annual budget, the plaintiffs lack standing to challenge the board's adoption of the 2013-14 budget. Unlike *Windham*, here the plaintiffs' controversy is not supported by a legal interest. In *Windham*, the plaintiffs' legal interest was their right to vote, and their controversy was the board's refusal to call a special meeting for a townwide referendum. See *Windham Taxpayers Assn. v. Board of Selectmen*, supra, 234 Conn. 526. Our Supreme Court stated that the plaintiffs were aggrieved because "if the board had been required to grant either petition and had called a special town meeting, [the plaintiffs] would have been able to exercise their right to vote." *Id.* In the present case, the plaintiffs' status as qualified voters for the selection of new board members at the annual meeting does not ipso facto provide voter standing for the controversy surrounding the adoption of the 2013-14 budget. See *Bridgewater v. Board of Education*, supra, 42 Conn. L. Rptr. 588 ("The mere status as a

qualified voter in a town fails to confer standing to litigate each and every municipal action.” [Internal quotation marks omitted.]]. Pursuant to Special Act 460 and Special Act 09-5, the plaintiffs have not been aggrieved because the plaintiffs’ right to vote on the annual budget, their claimed legal interest, does not exist. Additionally without a right to vote on the 2013-14 budget at the annual meeting, the plaintiffs cannot establish that they have suffered an irreparable injury in their capacities as taxpayers. Therefore, the plaintiffs do not have voter or taxpayer standing and the case must be dismissed for lack of subject matter jurisdiction.

III

PERMANENT INJUNCTION

Even assuming, arguendo, that the plaintiffs had standing based on their inability to vote at the May 23, 2013 annual meeting, they have not otherwise demonstrated that they are entitled to injunctive relief. “A party seeking injunctive relief has the burden of alleging and proving irreparable harm and lack of an adequate remedy at law.” (Internal quotation marks omitted.) *Commissioner of Correction v. Coleman*, 303 Conn. 800, 810, 38 A.3d 84 (2012).

A

2013-14 Budget

In the present case, the plaintiffs did not present evidence of irreparable harm entitling them to injunctive relief. The plaintiffs alleged that the defendants denied electors of the district their right to vote on the budget at the annual meeting. They argue that their inability to vote on the annual budget as they have been able to for the previous thirty-five years, constitutes

irreparable harm. As discussed previously,¹⁰ Special Act 460 and Special Act 09-5 do not confer such a right to vote on the budget on the electors of the district and never has. Therefore, the plaintiffs have failed to demonstrate that they have suffered the requisite irreparable harm to support injunctive relief.

B

Construction of the Fire House

In addition, even assuming that the complaint supported their August 2, 2013 motion seeking to enjoin the construction of the new fire house,¹¹ the plaintiffs did not present evidence that they would suffer irreparable harm by the construction of the new fire house. The plaintiffs argue that "allowing construction of a fire house to take place without electors voting on an annual budget would allow [the board] to ignore the plain language of its special act." As

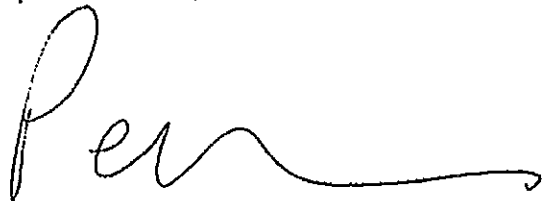
¹⁰ See Part II, *supra*.

¹¹ The prayer for relief sought the following: "[a] temporary and permanent injunction prohibiting and restraining the Defendant from implementing the 2013-2014 budget annual budget without having a referendum; [a]n order vacating the 2013-1014 budget of the Thompsonville Fire District . . . ; [a]n order declaring that eligible electors have the right to vote on annual budgets and other matters heard at annual and special meetings by referendum; [a]n order declaring that eligible electors have the right to vote on annual budgets and other matters heard at annual and special meetings by referendum; [d]amages; [a]ttorneys fees; [a]llother relief the Court deems fair and equitable." Although the August 2, 2013 application for emergency temporary injunction seeks a temporary restraining order to enjoin the defendant from proceeding with construction of a new fire house pending the resolution of the merits, the complaint itself seeks no such relief. As noted *infra*, "[i]t is well established that the right of a plaintiff to recover is limited by the allegations of the complaint . . . and any judgment should conform to the pleadings, the issues and the prayers for relief." *David Caron Chrysler Motors, LLC v. Goodhall's, Inc.*, 304 Conn. 738, 744, 43 A.3d 164 (2012).

previously addressed, the court rejects the plaintiffs claim that the electors had a right to vote on the annual budget. Curiously, the plaintiffs have not demonstrated that they will suffer any harm by the construction of a new fire house. They claim no pecuniary harm arising out of the construction of the fire house. The individual plaintiffs testified that their tax rate for the district would not increase under the 2013-14 budget. Finally, the plaintiffs conceded that invalidation of the 2013-14 budget would only reinstate the previous year's budget and would not prevent the construction of the fire house because the commissioners could simply reallocate funds to build a new fire house in any event. The plaintiffs' concession is consistent with the board's practice of managing the affairs of the district as deemed necessary within the constraints of the yearly budget. The testimony of Margaret Perry, a former board member, illustrated this point by stating that in 2006, the board adopted a resolution to fund the purchase of a new fire truck for \$1.2 million without first holding a referendum. Therefore, a resolution on the merits of this case, whether in favor of the plaintiffs or the defendant, would not prevent the board from proceeding with the construction of the firehouse. Finally, the court has noted previously, the relief sought by the plaintiffs in their complaint did not seek an injunction to prevent the construction of the firehouse.

CONCLUSION

Accordingly, for the foregoing reasons, the plaintiffs' complaint is dismissed for lack of subject matter jurisdiction.

A handwritten signature in cursive script, appearing to read 'Peck', followed by a long horizontal flourish line.

Peck, J.

EXHIBIT 3

APPEAL - CIVIL

JD-SC-28 Rev. 12-09
P.B. §§ 3-8, 62-8, 63-3, 63-4, 63-10
C.G.S. §§ 31-301b, 51-197f, 52-470

(Page 1 of 2)

See Instructions on Back/page 2

☐ To Supreme Court ☒ To Appellate Court

Name of case (State full name of case as it appears in the judgment file)

Concerned Taxpayers of the Thompsonville Fire District et al v. Board of Fire Commissioners of the Thompsonville Fire District

Classification

☒ Appeal

☐ Cross appeal

☐ Joint appeal

☐ Amended appeal

☐ Stipulation for reservation

☐ Corrected/amended appeal form

Other (Specify)

Tried to

☒ Court

☐ Jury

Trial court location

Hartford

Trial court judges being appealed

Peck

All other trial court judge(s) who were involved with the case

List all trial court docket numbers, including all location prefixes

HHD-CV13-6043230-S

Trial Court History

Judgment for (Where there are multiple parties, specify any individual party or parties for whom judgment may have been entered.)

☐ Plaintiff

☒ Defendant

☐ Other:

Judgment date of decision being appealed

10/03/2013

Date of issuance of notice on any order on any motion which would render judgment ineffective

10/03/2013

Date for filing appeal extended to

N/A

Case type

☐ Juvenile — Termination of Parental Rights ☐ Juvenile — Order of Temporary Custody ☐ Juvenile — Other

☒ Civil/Family: Major/Minor code **M00** ☐ Habeas Corpus ☐ Workers compensation ☐ Other

For habeas corpus or zoning appeals indicate the date certification was granted:

Appeal

Appeal filed by (Where there are multiple parties, specify the name of the individual party or parties filing this appeal.)

☒ Plaintiff(s) **All Plaintiffs**

☐ Defendant(s)

☐ Other

From (the action which constitutes the appealable judgment or decision): **Judgment of Dismissal**

If to the Supreme Court, the statutory basis for the appeal (Connecticut General Statutes section 51-199)

By (Signature of attorney or self-represented party)

Ryan McKeen

Telephone number

(860) 560-8163

Fax number

(860) 472-8332

Juris number (if applicable)

434928

Type name and address of person signing above (This is your appearance; see Practice Book section 62-8)

Ryan McKeen, 2837 Main Street, P.O. Box 149, Glastonbury, CT 06033

E-mail address

ryan@mckeenlawfirm.com

Appearance

X one if applicable

☐ Counsel or self-represented party who files this appeal will be deemed to have appeared in addition to counsel of record who appeared in the trial court under Practice Book section 62-8.

☐ Under Practice Book section 3-8, counsel or self-represented party who files this appeal is appearing in place of:

Name of counsel or self-represented party

Juris number (if applicable)

Certification (Practice Book section 63-3)

I certify that a copy of this appeal was mailed or delivered to all counsel and self-represented parties of record as required by Practice Book section 62-7 on: **10/18/2013**

Signed (individual counsel/self-represented party)

Ryan McKeen

* Attach a list with the name, telephone number and fax number of each counsel and self-represented party and the address where the copy was mailed or delivered.

To Be Completed By Trial Court Clerk

☐ Entry Fee Paid

☐ No Fees Required

Fees, Costs, and Security waived by Judge (enter judge's name below)

Judge

Date waived

Signed (Clerk of trial court)

Date

The clerk of the original trial court, if different from this court, was notified on _____ that this appeal was filed. In habeas matters, a copy of this endorsed appeal was provided to the Office of the Chief State's Attorney, Appellate Bureau, on _____

Court Use Only
Date and time filed

Documents to be given to the Appellate Clerk with the endorsed Appeal form

The following documents must be filed with the Appellate Clerk when filing the endorsed appeal form; Practice Book sections 63-3 and 63-4.

1. Preliminary Statement of the Issues
2. Preliminary Designation of Pleadings
3. Court Reporter's Acknowledgment/Certification re transcript
4. Docketing Statement
5. Statement for Preargument Conference (form JD-SC-28A)
6. Draft Judgment File
7. Constitutionality Notice (if applicable)
8. Sealing Order form, if any
9. List of counsel of record in trial court (DS1 received from clerk)
10. Proof of receipt of the copy of the endorsed appeal form by the original trial court clerk or the clerk of the court or courts where the case was transferred, if the case was in more than one trial court

Certification

I certify that a copy of the endorsed appeal and all documents to be given to the Appellate Clerk with the endorsed Appeal form were mailed or delivered to all counsel and self-represented parties of record as required by Practice Book section 63-3 on: **10/25/13**

Signed (individual counsel or self-represented party)

Ryan McKeen

* Attach a list with the name, telephone number and fax number of each counsel and self-represented party and the address at which the copy was mailed or delivered.

CERTIFICATION

This is to certify that a copy of the foregoing JD-SC-28 has been mailed, postage prepaid,
this 25th day of October, 2013 to:

FAHEY & LANDOLINA ATTORNEYS LLC
487 SPRING STREET
WINDSOR LOCKS, CT 06096

MORRISON MAHONEY LLP
ONE CONSTITUTION PLAZA
10TH FLOOR
HARTFORD, CT 06103

By *Ryan McKeen*
RYAN MCKEEN
2837 MAIN STREET
P.O. BOX 149
GLASTONBURY, CT 06033
(860) 560-8163

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Attorney/Firm: MCKEEN LAW FIRM LLC (434928)

E-Mail: ryan@mckeenlawfirm.com Logout

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Docket Number:

HHDCV136043230S

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Case Name:

CONCERNED TAXPAYER OF THE THOMPSONVILLE FIRE DISTR v. BOARD OF
FIRE COMMISSIONERS OF THE THOMPSONVILLE F

Type of Transaction:

Pleading/Motion/Other

Court Fee:

\$250.00

Date Filed:

OCT-18-2013

Filed By:

MCKEEN LAW FIRM LLC Juris# 434928

Document Filed:

124.00 APPEAL TO APPELLATE COURT

Date and Time of Transaction:

Friday, October 18, 2013 9:45:03 AM

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A.C.

D.N.: HHD-CV-13-6043230-S

| | | |
|------------------------------|---|-------------------------------|
| CONCERNED TAXPAYERS OF THE |) | APPELLATE COURT |
| THOMPSONVILLE FIRE DISTRICT, |) | |
| ET AL. |) | |
| |) | FROM THE JUDICIAL DISTRICT OF |
| |) | HARTFORD at HARTFORD |
| v. |) | |
| |) | |
| BOARD OF COMMISSIONERS |) | |
| OF THE THOMPSONVILLE FIRE |) | OCTOBER 21, 2013 |
| DISTRICT |) | |

DOCKETING STATEMENT

I. Plaintiffs-Appellants

Counsel

Concerned Taxpayers of the
Thompsonville Fire District
116 Enfield Street
Enfield, CT 06082

Steve Cogtella
2 South River Street
Enfield, CT 06082

Erline Provencher
94 South River Street
Enfield, CT 06082

Ryan McKeen
McKeen Law Firm, LLC
2837 Main Street
P.O. Box 149
Glastonbury, CT 06033
(860) 560-8163

Defendants-Appellees

Counsel

Board of Commissioners of the
Thompsonville Fire District

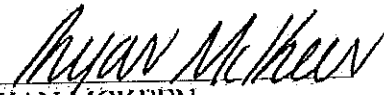
Tom Anderson
Erin Golembiewski
Morrison Mahoney, LLP
One Constitution Plaza 10th Floor
Hartford, CT 06103
(860) 616-4441

2013 OCT 25 07:11:39

Carl Landolina
Fahey & Landolina Attorneys, LLC
487 Spring Street
Windsor Locks, CT 06096
(860) 627-8300

- (II) There are no other pending appeals.
- (III) There were exhibits at the trial court.
- (IV) Not applicable.

THE PLAINTIFFS- APPELLANT
BY MCKEEN LAW FIRM, LLC
JURIS NO. 434928
THEIR ATTORNEY

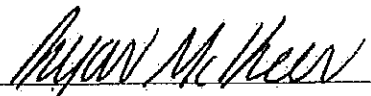
By 
RYAN MCKEEN
2837 MAIN STREET
P.O. BOX 149
GLASTONBURY, CT 06033
(860) 560-8163

CERTIFICATION

This is to certify that a copy of the foregoing Docketing Statement is in compliance with Practice Book § 63-3 and § 63-4 has been mailed, postage prepaid, this 25th day of October, 2013 to:

FAHEY & LANDOLINA ATTORNEYS LLC
487 SPRING STREET
WINDSOR LOCKS, CT 06096

MORRISON MAHONEY LLP
ONE CONSTITUTION PLAZA
10TH FLOOR
HARTFORD, CT 06103

By 
RYAN MCKEEN
2837 MAIN STREET
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(860) 560-8163

A.C.

D.N.: HHD-CV-13-6043230-S

CONCERNED TAXPAYERS OF THE
THOMPSONVILLE FIRE DISTRICT,
ET AL.

v.

BOARD OF COMMISSIONERS
OF THE THOMPSONVILLE FIRE
DISTRICT

) APPELLATE COURT
)
)
) FROM THE JUDICIAL DISTRICT OF
) HARTFORD at HARTFORD
)
)
) OCTOBER 21, 2013


PRELIMINARY STATEMENT OF THE ISSUES

The following issues will be raised in the appeal of this case:

1. Did the trial err in finding the Plaintiffs do not have voter or taxpayer standing and dismissing their case for lack of subject matter jurisdiction?
2. Did the trial court err in its interpretation of Special Act 09-5?
3. Did the trial court err in failing to afford deference to the Board of Commissioners of the Thompsonville Fire District's 35 year interpretation of its Special Act?
4. Such other issues as may be identified upon review of the Record.

THE PLAINTIFFS- APPELLANT
BY MCKEEN LAW FIRM, LLC
JURIS NO. 434928
THEIR ATTORNEY

By


RYAN MCKEEN

2837 MAIN STREET

P.O. BOX 149

GLASTONBURY, CT 06033

(860) 560-8163


001113 52 100 000

CERTIFICATION

This is to certify that a copy of the foregoing Preliminary Designation of Pleadings has been mailed, postage prepaid, this 25th day of October, 2013 to:

FAHEY & LANDOLINA ATTORNEYS LLC
487 SPRING STREET
WINDSOR LOCKS, CT 06096

MORRISON MAHONEY LLP
ONE CONSTITUTION PLAZA
10TH FLOOR
HARTFORD, CT 06103

By 
RYAN MCKEEN
2837 MAIN STREET
P.O. BOX 149
GLASTONBURY, CT 06033
(860) 560-8163

**NOTICE OF APPEAL
TRANSCRIPT ORDER**

JD-ES-38 Rev. 3/10 Pr. Bk. §§ 63-4, 63-8, 63-8A

CONNECTICUT JUDICIAL BRANCH

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INSTRUCTIONS TO PERSON ORDERING A TRANSCRIPT FOR AN APPEAL.

1. Fill out section 1 only and give this form to the Official Court Reporter.
2. Give the Official Court Reporter the name and address of all counsel and self-represented parties of record.
3. After the Official Court Reporter fills out section 3 and returns the form to you, fill out section 4.

Number**Section 1.**

Name of case

Concerned Taxpayers of the Thompsonville Fire District v. Board of Commissioners

Trial court docket number

HHD-CV-13-6043230-S

Hearing dates of transcript being ordered

08/21/2013 and 08/30/2013

Trial court location

Hartford

Judicial district of

Name(s) of Judge(s)

Peck

Case type ("X" one)

☐ Criminal☐ Family☐ Juvenile☒ Civil

Case tried to ("X" one)

☐ Jury☒ Court

Appeal to ("X" one)

☐ Supreme Court☒ Appellate Court**Appeal
("X" one)**☐ 1. From judgment in juvenile matters:☐ (a) concerning Termination of Parental Rights☐ (b) other than Termination of Parental Rights☐ 2. From a criminal judgment where defendant is:☐ (a) incarcerated☐ (b) not incarcerated☐ 3. From court closure order☒ 4. Involving the public interest☐ 5. From judgment involving custody of minor children☐ 6. From all other judgments

An electronic version of a previously delivered transcript is being ordered:

☐ Yes☒ No

Describe in detail including specific dates, the parts of the proceedings for which a transcript is being ordered. If you are ordering an electronic version of a previously delivered transcript, indicate that the paper transcript already was delivered. Attach a sheet of plain paper if needed.

All trial transcript.**From**

Name and mailing address of person ordering transcript

Ryan McKeen, 2837 Main Street, P.O. Box 149, Glastonbury, CT 06033

Telephone number

(860) 560-8163

Relationship (Attorney for Plaintiff, Defense, etc.)

Attorney

Signature of person ordering transcript



Date signed

10/21/2013**Do not write below this line when ordering the transcript.****Section 2. Official Court Reporter's Appeal Transcript Order Acknowledgment (Completed by Official Court Reporter after satisfactory financial arrangements have been made Section 63-8 of the Connecticut Practice Book.)**

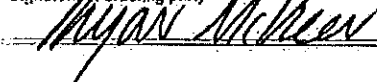
| Name(s) of reporter(s)/monitor(s) | Estimated number of pages | Only electronic version of previously delivered transcript? | | Number of pages previously delivered | Estimated delivery date |
|-----------------------------------|---------------------------|---|--------------------------|--------------------------------------|-------------------------------|
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| Total estimated pages → | | Total delivered pages → | | Total delivered pages | Final Estimated delivery date |
| | | | | | |
| Name of Official Court Reporter | | Signature of Official Court Reporter | | | Date signed |
| | | | | | |

Order Acknowledgment**Section 3. Official Court Reporter's Certificate Of Completion (Completed by Official Court Reporter upon delivery of the entire transcript ordered above.)**

| | |
|---|--|
| Actual number of pages in entire Appeal Transcript: | Date of final delivery (Practice Book Section 63-8(c)) |
| This certificate is filed as required by Practice book Section 63-8 | Signature of Official Court Reporter |
| | Date signed |

Section 4. Certification Of Service By Ordering Party (Ordering party to send completed certificate to Chief Clerk, 231 Capitol Avenue, Hartford, CT 06106.)**I certify that a copy of the above Certificate of Completion was served on all counsel and self-represented parties of record.**

Signature of ordering party



Date signed

10/25/13

STATE OF CONNECTICUT

A.C.

D.N.: HHD-CV-13-6043230-S

CONCERNED TAXPAYERS OF THE
THOMPSONVILLE FIRE DISTRICT,
ET AL.

v.

BOARD OF COMMISSIONERS
OF THE THOMPSONVILLE FIRE
DISTRICT

) APPELLATE COURT
)
)
) FROM THE JUDICIAL DISTRICT OF
) HARTFORD at HARTFORD
)
)
) OCTOBER 21, 2013

Present: (Peck, Judge)

JUDGMENT

This action by Writ and Complaint dated July 2, 2013, seeking an injunction and declaratory relief, and other relief, as on file, came to this Court on July 30, 2013 and thence to later dates, and thence to the present time when the plaintiffs appeared to prosecute their claim for injunctive and declaratory relief and the defendant appeared.

The Court, having heard the evidence, finds the plaintiffs lacked standing.

WHEREUPON, IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs' complaint is dismissed for lack of subject matter jurisdiction.

Judge/Assistant Clerk

2013 OCT 21 PM 11:39

CERTIFICATION

I hereby certify that the foregoing Judgment conforms to the Judgment entered by the Court.

THE PLAINTIFF

By 
Ryan McKeen

EXHIBIT 4

DOCKET NO.: HHD-CV-13-6043230-S

AC: _____ : APPELLATE COURT

CONCERNED TAXPAYERS OF THE : STATE OF CONNECTICUT
THOMPSONVILLE FIRE DISTRICT,
STEVE COGTELLA AND ERLINE
PROVENCHER

V. _____ :

BOARD OF FIRE COMMISSIONERS OF: NOVEMBER 14, 2013
THE THOMPSONVILLE FIRE DISTRICT

DEFENDANT/APPELLEE BOARD OF FIRE COMMISSIONERS OF THE
THOMPSONVILLE FIRE DISTRICT'S ALTERNATE PRELIMINARY
STATEMENT OF ISSUES ON APPEAL

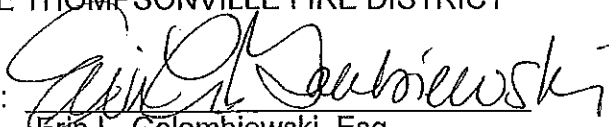
Pursuant to Practice Book § 63-4(a)(1), the defendant/appellee, Board of Fire Commissioners of the Thompsonville Fire District, hereby designates the following issues to be addressed in light of appellant's appeal:

1. Whether the trial court's holding that the plaintiffs lacked taxpayer standing should be affirmed on appeal.
2. Whether the trial court's holding that the plaintiffs lacked voter standing should be affirmed on appeal.
3. Whether the trial court's interpretation of Special Act 460 should be affirmed on appeal.
4. Whether the trial court's interpretation of Special Act 09-5 should be affirmed on appeal.
5. Whether the trial court's holding that it lacked subject matter jurisdiction due to lack of standing should be affirmed on appeal.

6. Whether the trial court's holding that no special deference need be given to the Board's previous history of affording electors an opportunity to vote on the annual budget should be affirmed on appeal.
7. Whether the trial court's holding that the plaintiffs failed to prove that they were entitled to permanent injunctive relief should be affirmed on appeal.
8. Any other grounds upon which the trial court judgment may be affirmed that arise during the briefing process.
9. A new trial, rather than a directed judgment should be ordered if the appellant is successful on the appeal.

THE DEFENDANT/APPELLEE,
BOARD OF FIRE COMMISSIONERS OF
THE THOMPSONVILLE FIRE DISTRICT

BY:


Erin L. Golembiewski, Esq.
Morrison Mahoney LLP
One Constitution Plaza, 10th Floor
Hartford, CT 06103
Tel: (860) 616-4441
Fax: (860) 541-4856
Individual Juris No.: 421866
-Its Attorneys-

CERTIFICATION

Pursuant to Practice Book § 66-3, the undersigned hereby certifies that the foregoing complies with all format provisions of the Connecticut Practice Book and that Arial 12 point was used in this Motion. The undersigned further certifies that a copy of the foregoing was sent via U.S. Mail, postage pre-paid, to the following parties pursuant to Practice Book § 62-7, this 14th day of November, 2013:

Ryan C. McKeen, Esq.
McKeen Law Firm, LLC
2837 Main Street
P.O. Box 149
Glastonbury, CT 06033

Carl T. Landolina, Esq.
Fahey & Landolina, Attorneys LLC
487 Spring Street
Windsor Locks, CT 06096



Erin L. Golembiewski

DOCKET NO.: HHD-CV-13-6043230-S

AC: _____ : APPELLATE COURT

CONCERNED TAXPAYERS OF THE : STATE OF CONNECTICUT
THOMPSONVILLE FIRE DISTRICT,
STEVE COGTELLA AND ERLINE
PROVENCHER

V. :

BOARD OF FIRE COMMISSIONERS OF : NOVEMBER 14, 2013
THE THOMPSONVILLE FIRE DISTRICT

**DEFENDANT/APPELLEE BOARD OF FIRE COMMISSIONERS OF THE
THOMPSONVILLE FIRE DISTRICT'S DRAFT JUDGMENT FILE**

| | |
|--|-------------------------------|
| Plaintiffs/Appellants: Concerned Taxpayers of the Thompsonville Fire District, Steve Cogtella and Erline Provencher | Superior Court |
| v. | Judicial District of Hartford |
| Defendant/Appellee: Board of Fire Commissioners of the Thompsonville Fire District | at Hartford |
| | Judgment: October 3, 2013 |

This civil action, by way of Summons and Verified Complaint for Injunctive and Declaratory Relief dated July 2, 2013, was filed in the Superior Court for the Judicial District of Hartford at Hartford on July 5, 2013, along with an Order to Show Cause, Proposed Order, Bond and Application for Temporary Injunction. Thence to August 2, 2013, when the plaintiffs filed an Application for Emergency Temporary *Ex Parte* Injunction, along with an Application for Waiver of Bond and Exhibits. Thence to August 15, 2013, when defendant Board of Fire Commissioners of the Thompsonville Fire District filed its Position Statement Regarding Plaintiffs' Application for Emergency Temporary *Ex Parte* Injunction

and Objection Thereto; Objection to Waiver of Bond; and Motion for Bond. And thence to August 16, 2013, when the plaintiffs filed their Trial Management Report and Exhibits thereto, and thence to August 21, 2013, and August 30, 2013, when the Court, *Peck, J.*, held hearings regarding plaintiffs' Motion for Emergency Temporary *Ex Parte* Injunction.¹ Thence to August 30, 2013, when the defendant filed its Answer and Special Defenses and thence to September 6, 2013, when the plaintiffs filed their Post Trial Brief, as well as their Objection to Answer and Special Defenses and Reply to Special Defenses Notwithstanding Objection. Thence to September 10, 2013, when the Board of Fire Commissioners of the Thompsonville Fire District filed its Post-Trial Brief.

Thence to October 3, 2013, when the Court issued its Memorandum of Decision wherein it entered a judgment of dismissal of the plaintiffs' case due to lack of subject matter jurisdiction based on a failure of the plaintiffs to prove standing.

THE DEFENDANT/APPELLEE,
BOARD OF FIRE COMMISSIONERS OF
THE THOMPSONVILLE FIRE DISTRICT

BY: 

Erin L. Golembiewski, Esq.
Morrison Mahoney LLP
One Constitution Plaza, 10th Floor
Hartford, CT 06103
Tel: (860) 616-4441
Fax: (860) 541-4856
Individual Juris No.: 421866
-Its Attorneys-

¹ The parties agreed that the hearings would address the plaintiffs' entire case, *i.e.*, its request for a permanent injunction and declaratory relief, and not just the plaintiffs' Motion for Emergency Temporary *Ex Parte* Injunction.

CERTIFICATION

Pursuant to Practice Book § 66-3, the undersigned hereby certifies that the foregoing complies with all format provisions of the Connecticut Practice Book and that Arial 12 point was used in this submission. The undersigned further certifies that a copy of the foregoing was sent via U.S. Mail, postage pre-paid, to the following parties pursuant to Practice Book § 62-7, this 14th day of November, 2013:

Ryan C. McKeen, Esq.
McKeen Law Firm, LLC
2837 Main Street
P.O. Box 149
Glastonbury, CT 06033

Carl T. Landolina, Esq.
Fahey & Landolina, Attorneys LLC
487 Spring Street
Windsor Locks, CT 06096



Erin L. Golembiewski

DOCKET NO.: HHD-CV-13-6043230-S

AC: _____ : APPELLATE COURT

CONCERNED TAXPAYERS OF THE : STATE OF CONNECTICUT
THOMPSONVILLE FIRE DISTRICT,
STEVE COGTELLA AND ERLINE
PROVENCHER

V. :

BOARD OF FIRE COMMISSIONERS OF : NOVEMBER 14, 2013
THE THOMPSONVILLE FIRE DISTRICT

**DEFENDANT/APPELLEE BOARD OF FIRE COMMISSIONERS OF THE
THOMPSONVILLE FIRE DISTRICT'S DOCKETING STATEMENT**

Pursuant to Practice Book § 63-4(a)(4), Board of Fire Commissioners of the Thompsonville Fire District, the defendant/appellee in the above-captioned appeal, hereby submits its docketing statement.

1. Plaintiff/appellant Concerned Taxpayers of the Thompsonville Fire District, upon information and belief, has a principal place of business located at 1116 Enfield Street, Enfield Connecticut 06082.
2. Plaintiff/appellant, Erline Provencher, upon information and belief, is an individual residing at 94 South River Street in Enfield, Connecticut 06082.
3. Plaintiff/appellant, Steve Cogtella, upon information and belief, is an individual residing at 2 South River Street in Enfield, Connecticut 06082.
4. Counsel for plaintiffs/appellants: Ryan McKeen, Esq., 2837 Main Street, P.O. Box 149, Glastonbury, Connecticut 06033.
5. Defendant/appellee Board of Fire Commissioners of the Thompsonville Fire District is a body politic located within the Thompsonville Fire District in Enfield, Connecticut 06082.

6. Counsel for defendant/appellee: Erin L. Golembiewski, Esq. and Thomas Anderson, Esq., Morrison Mahoney LLP, One Constitution Plaza, 10th Floor, Hartford Connecticut 06103; and Carl T. Landolina, Esq., Fahey & Landolina, Attorneys LLC, 487 Spring Street, Windsor Locks, Connecticut 06096.

7. Others alleged to have a legal interest in this appeal: none.

8. There are no other pending appeals which arise from substantially the same controversy as the cause on appeal, or involve issues closely related to those presented by the appeal.

9. There were exhibits in the trial court that were entered during the hearings that took place on August 21, 2013, and August 30, 2013 (see Docket Entry No. 116.00).

THE DEFENDANT/APPELLEE,
BOARD OF FIRE COMMISSIONERS OF
THE THOMPSONVILLE FIRE DISTRICT

BY:



Erin L. Golembiewski, Esq.
Morrison Mahoney LLP
One Constitution Plaza, 10th Floor
Hartford, CT 06103
Tel: (860) 616-4441
Fax: (860) 541-4856
Individual Juris No.: 421866
-Its Attorneys-

CERTIFICATION

Pursuant to Practice Book § 66-3, the undersigned hereby certifies that the foregoing complies with all format provisions of the Connecticut Practice Book and that Arial 12 point was used in this submission. The undersigned further certifies that a copy of the foregoing was sent via U.S. Mail, postage pre-paid, to the following parties pursuant to Practice Book § 62-7, this 14th day of November, 2013:

Ryan C. McKeen, Esq.
McKeen Law Firm, LLC
2837 Main Street
P.O. Box 149
Glastonbury, CT 06033

Carl T. Landolina, Esq.
Fahey & Landolina, Attorneys LLC
487 Spring Street
Windsor Locks, CT 06096



Erin L. Golembiewski

DOCKET NO.: HHD-CV-13-6043230-S

AC: _____ : APPELLATE COURT

CONCERNED TAXPAYERS OF THE : STATE OF CONNECTICUT
THOMPSONVILLE FIRE DISTRICT,
STEVE COGTELLA AND ERLINE
PROVENCHER

V. :

BOARD OF FIRE COMMISSIONERS OF : NOVEMBER 14, 2013
THE THOMPSONVILLE FIRE DISTRICT

DEFENDANT/APPELLEE BOARD OF FIRE COMMISSIONERS OF THE
THOMPSONVILLE FIRE DISTRICT'S CERTIFICATE
REGARDING TRANSCRIPTS DEEMED NECESSARY

Pursuant to Practice Book § 63-4(a)(3), Board of Fire Commissioners of the Thompsonville Fire District, the appellee in the above-captioned appeal, hereby certifies that it has ordered the transcripts of the August 21, 2013 and August 30, 2013 hearings in the trial court as per the attached completed JD-ES-38 order form. A copy of the court reporter's acknowledgment will be forwarded when received.

THE DEFENDANT/APPELLEE,
BOARD OF FIRE COMMISSIONERS OF
THE THOMPSONVILLE FIRE DISTRICT

BY: 

Erin L. Golembiewski, Esq.

Morrison Mahoney LLP

One Constitution Plaza, 10th Floor
Hartford, CT 06103

Tel: (860) 616-4441

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Individual Juris No.: 421866

-Its Attorneys-

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Glastonbury, CT 06033

Carl T. Landolina, Esq.
Fahey & Landolina, Attorneys LLC
487 Spring Street
Windsor Locks, CT 06096



Erin L. Golembiewski

EXHIBIT 5

From: Alaimo, Frank [falaimo@thompsonvillefire.org]
Sent: Thursday, January 02, 2014 5:43 PM
To: Rep. Alexander, David
Cc: Provencher, William
Subject: TFD / CTTFD

Good afternoon David, thank you for meeting with Bill and I, I think it was very productive. Here's some more attachments from people that oppose the CTTDF. I know you said you don't go on Face book, but if you have some spare time take a look at the voices for Thompsonville page and some of the others Enfield pages, so you can have an idea of the people who are starting to speak out against the CTTFD.

We were wondering if you have any luck finding the state statute that talks about collective bargaining. I'll try working on it tomorrow as well.

Bill and I will have some draft language for you to consider soon, we are working closely with the union vice President for his input as well. Our next negotiations session is next Wednesday the eighth, we will keep you in the loop. Again thanks for meeting with us. Hope you had great holiday!!! Talk to you soon.

THANK YOU
CHIEF
FRANK ALAIMO
THOMPSONVILLE FIRE DEPARTMENT
860-745-3365
CELL 860-847-2039
FAX 860-745-1492

EXHIBIT 6

Alaimo, Frank

From: Alaimo, Frank
Sent: Friday, January 10, 2014 9:33 AM
To: 'Rep. Alexander, David'
Cc: Provencher, William
Subject: UP DATE#3 1-10-2013 UP DATE # 2 confidential UP DATE RE: TFD / CTTFD

Importance: High

| | | |
|------------------|-------------------------|------------------------------|
| Tracking: | Recipient | Delivery |
| | 'Rep. Alexander, David' | |
| | Provencher, William | Delivered: 1/10/2014 9:33 AM |

Good morning Dave, I am happy to report that our formal negotiations session on Wednesday, November 8, was very productive. The only item that was brought back to me, was that the executive board and their field rep from the State Union,(UPFFA). Was item,#4-A. They would like to do more research/calculations to see if the 4% trigger would be sufficient. 4% on the current budget would equal around \$150,000, which would equate to a very small mill rate increase probably in the area about 2/10's of a mill. For your convenience I have attached the proposed staffing change for the district. If you don't mind we would still like to keep that document between the parties. It breaks down to 5 new additional firefighters, and the filling of two spots that we currently have due to retirement/separation. This will be a total of seven new firefighters that will be higher. If everything goes well, and we can reach a tentative agreement, with voting and ratification from both sides, we plan to start the application/ process in a month or so, and the hiring to start in the months of July and August, Assistant Chief Provenchre and Union VP David Hayes will be having an informal off the record meeting this morning to iron out any last issues. For your convenience I also attached fire districts summary of the total assessment of taxable property. In our previous meeting we are discussing the amount of difference between Enfield fire district 1 and Thompsonville fire district 2.

The process to change the board of fire commissioners from three members to five members has begun and well being in place for this year's annual meeting.

Thank you for your assistance, update from today's session to follow early next week.

Thank you Chief Alaimo

Good morning Dave, after a brief discussion with Bill this morning. We would like to suggest a revision/modification. Relative to number 4.

Can refer to it as # 4-A.

voting to exclude, any award/decision in favor of the union, through the interests arbitration process. In Connecticut we have binding arbitration, any award must be funded. Any employee, employment settlement agreement. And any employment stipulated agreement. Under Connecticut Gen. statutes.

These circumstances happen periodically. Most recently with retired deputy Chief Patrick Furey. Just yesterday a Workmen's Comp. Commissioner finalized Patrick's settlement. This is just another example that the district must fund under Gen. statutes.

Good afternoon David. Just following up on last email. We have conducted additional confidential off the record discussions with the executive board of the IAFF local 3059 represent the firefighters here in Thompsonville. The following is some of the issues that both labor and management agreed should be part of the special act.

- 1) The district must follow and recognize all state and federal Municipal employee regulation acts. Included but not limited to, Connecticut section 7 – 467.(MIERA) (and chapter 113)
- 2) upon board of fire Commissioners ratification of any collective bargaining agreement, the board of fire commissioners must recognize and fund the agreement accordingly.
- 3) The board of fire commissioners shall recognize and follow, all recommendations issued by FEMA,NFPA, Department of Homeland Security, State and federal OSHA Regulations.

- 4) The board of fire commissioners must allow the voters of the Thompsonville fire district, by referendum vote, to vote on any budget in any given fiscal year that exceeds 4% of the prior fiscal year budget. We will be going to 5 commissioners as well, which is already in place.
- 5) We will be having a full negotiations session this Wednesday morning January 8th 2014. For the most part both sides are happy with the other provisions in the current act. I understand this is time sensitive for your process, and you need to get over to the attorneys at the capital to put in proper format/language. I will ask Carl to help us as well. I know I provided you with a lot of information in the last few days, and that we are not your only issue in the upcoming legislative session. Please do not hesitate to contact us if we can assist in making your part of the process less time-consuming. Thank you talk to you soon. Chief Frank Alaimo.

Hi David, we have started the research process with the Connecticut Gen. statutes, relative to collective bargaining. This information may help you get started.

You will be looking at chapter 113

Connecticut general 7-467 – 467,ET-SEQ

section 7 – 467

section 7– 467 through 7477

section 7 – 407 through 7 – 414 through 7 – 497

I understand some of this stuff is time-consuming and confusing.

This is only my second year on the legislative committee, but I'll do my best to work with you and help you research.

We have had some off the record discussions with the union VP, relative to our proposals. We are having a session this coming Wednesday, if I have all the financial information ready for the union we will probably go on the record with a full economic package. Since Bill has come on as Assistant Chief relations between Management and the Union have improved 100%. I will keep you informed as we reach tentative agreements, but those tentative agreements will have to stay confidential between us, until the executive board is ready to release the information to the rank-and-file. I don't mean any disrespect by that, but that is part of the Connecticut Gen. statutes relative to bargaining in good faith. Talk to you soon have a good weekend!!

THANK YOU

CHIEF

FRANK ALAIMO

THOMPSONVILLE FIRE DEPARTMENT

860-745-3365

CELL 860-847-2039

FAX 860-745-1492

From: Rep. Alexander, David [mailto:David.Alexander@cga.ct.gov]

Sent: Friday, January 03, 2014 1:51 PM

To: Alaimo, Frank

Subject: RE: TFD / CTTFD

Frank,

Thanks for the email. I am still waiting to hear back from OLR regarding the collective bargaining issue. They are a little behind due to the holidays and the weather.

I will read the draft language and get back to you on Monday. I have not received any draft language from the CTTFD which surprises me. We need to get something to the Planning and Development Committee soon. Hope all is well.

SF,

David

Alaimo, Frank

From: Alaimo, Frank
Sent: Monday, March 10, 2014 5:35 PM
To: 'Rep. Alexander, David'
Cc: Provencher, William; Hayes, David
Subject: proposed legislation language

Importance: High

Good afternoon David, as discussed earlier for your convenience is the language for the special act.

- 1) Any budget in any fiscal year that exceeds a 3% increase shall automatically go to a referendum vote, to be voted on by district taxpayers.
- 2) Excluded from the 3% trigger, an arbitration award, under the collective bargaining statutes of the state of Connecticut. Section 7 – 467. Chapter 113 (MIERA).
- 3) Excluded from the 3% trigger, any stipulated separation agreement, separation agreement under the heart and hypertension statute of the state of Connecticut. Section 7 – 433C.

Thank you for your support of the Fire service and your assistance in this process.
I am looking forward to working with you as the process continues, if I can be of any more assistance to you please do not hesitate to call on me.

**THANK YOU
CHIEF
FRANK ALAIMO
THOMPSONVILLE FIRE DEPARTMENT
860-745-3365
CELL 860-847-2039
FAX 860-745-1492**

Alaimo, Frank

From: Alaimo, Frank
Sent: Thursday, March 13, 2014 9:13 AM
To: 'Rep. Alexander, David'
Cc: Provencher, William; Hayes, David
Subject: update proposed legislation language
Attachments: 2014 special meeting warning.doc

Importance: High

| | | |
|------------------|-------------------------|------------------------------|
| Tracking: | Recipient | Delivery |
| | 'Rep. Alexander, David' | |
| | Provencher, William | Delivered: 3/13/2014 9:13 AM |
| | Hayes, David | Delivered: 3/13/2014 9:13 AM |

Good morning David, I left you a message last night. Attached is the warning for the special meeting to be held next week relative to the 5 fire commissioners, I'm not sure if the proposed legislation is the same. From what I understand number one and two below is not reflected in the proposal as well. We will be looking it over today. If you have an opportunity, would you mind given us a call either Bill or myself. Relative to five commissioners we want to be sure were not compromising your proposal by what we're doing next Wednesday night.

Again thank you for your assistance and cooperation.

Good afternoon David, as discussed earlier for your convenience is the language for the special act.

- 1) Any budget in any fiscal year that exceeds a 3% increase shall automatically go to a referendum vote, to be voted on by district taxpayers.
- 2) Excluded from the 3% trigger, an arbitration award, under the collective bargaining statutes of the state of Connecticut. Section 7 – 467. Chapter 113 (MIERA).
- 3) Excluded from the 3% trigger, any stipulated separation agreement, separation agreement under the heart and hypertension statute of the state of Connecticut. Section 7 – 433C.

Thank you for your support of the Fire service and your assistance in this process.

I am looking forward to working with you as the process continues, if I can be of any more assistance to you please do not hesitate to call on me.

THANK YOU
CHIEF
FRANK ALAIMO
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FAX 860-745-1492

EXHIBIT 7

Carl,

Thanks for the email. Can we talk about this over the phone sometime tomorrow? Thanks.

SF,

David

From: carl@faheyland.com [<mailto:carl@faheyland.com>]
Sent: Thursday, March 13, 2014 5:37 PM
To: Rep. Alexander, David
Cc: falaimo@enfield.org; Carl@simplifiedoffice.simplifiedoffice.com
Subject: HB 5541 (ID:4E1C70F00014681F)

Representative Alexander,

As you may know this office represents the Thompsonville Fire District. Chief Alaimo referred me to HB 5541 which seeks to amend the Special Acts under which the district operates. I would like to share my comments on the bill with you.

1. In section 1 the Board of Fire Commissioners is increased from 3 to 5. I believe that the Board endorses an increase as they have already schedule a special district meeting for March 19, to discuss the adoption of a resolution which will accomplish this. In 2003 the legislature adopted PA 03-256 which permits the district to adopt a resolution for this purpose at a special or annual meeting. I expect that the resolution will be adopted on the 19th. While Section 1 of your bill and the resolution proposed by the district accomplish the same thing I believe that your bill will not be passed in time for it to of much use this year. Assuming that the district goes to all day voting (see disacussion below) it will need lead time to print ballots. This means that candidates will have to announce their intention to run at least 30 days prior to the May election. This means that your bill will have to passed and signed into law (assuming it will be immediately effective upon passage) by no later than April April 17. Even this date will not give the district enough time to react this year. I believe that if the district adopts the resolution at its special meeting on the 19th there will be enough time to put this in place by May of this year. My reading of CGS Section 7-328c would permit the district to do this themselves. Also under the proposed legislation the terms would commence on July 1. The terms of fire commissioners in Thompsonville have traditionally commence at the first regular meeting held in June following the annual meeting.

2. In section 2b there is a proposal to allow a public vote on the annual budget if there is an increase of more than 3% over the previous year's budget. Query, if this trigger is met do the electors get to keep voting until a budget is passed even if the budget finally adopted by the public does not exceed the 3% threshold or does voting cease once the proposed budget calls for an increase of not more than 3%? Under the proposed language one could argue that once the trigger is met voting continues until a budget is adopted by the voters even if the revised budget proposed by the Board falls below the 3% threshold. In this case, if an initial budget is proposed by the Board that crosses the threshold the public will continue to vote until a budget is adopted. My thought is that if the trigger is met, assuming the voters reject the budget, once a revised budget that calls for an increase of not more than 3% is proposed by the Board, public voting should cease. I think that the language should be clarified in this regard.

3. Section 2c. The district will be voting on a measure on the 19th which will allow voting from noon to 8pm. Again this appears to be permitted under 7-328c.

Thank you for the opportunity to share my thoughts with you.

Carl Landolina

EXHIBIT 8

Alaimo, Frank

From: Donald Christmas [notification+y4e4qern@facebookmail.com]
Sent: Friday, March 14, 2014 12:06 PM
To: Enfield Needs Change
Subject: [Enfield Needs Change] ATER FINDING OUT THE FIREMEN IN TVILLE ARE FOR...

Follow Up Flag: Follow up
Flag Status: Flagged

Donald Christmas posted in Enfield Needs Change



Donald Christmas

12:05pm Mar 14

ATER FINDING OUT THE FIREMEN IN TVILLE ARE FOR THE SUPPORT
OF THE 3% NOW I WILL SAY IT "THE TVILLE FIREMEN ARE GREEDY
LITTLE BASTARDS ALONG WITH THE CHIEF"

[View Post on Facebook](#) · [Edit Email Settings](#) · [Reply to this email to add a comment.](#)

Alaimo, Frank

From: Donald Christmas [notification+y4e4qern@facebookmail.com]
Sent: Friday, March 14, 2014 1:44 PM
To: North Thompsonville Fire Dept
Subject: [North Thompsonville Fire Dept] TO ALL THE FIRE CHIEF IN TOWN AND ALL FIREMEN...

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Donald Christmas posted in North Thompsonville Fire Dept



Donald Christmas

1:43pm Mar 14

TO ALL THE FIRE CHIEF IN TOWN AND ALL FIREMEN THAT ARE
EMPLOYED AND SUPPORT THE UNION YOU GUYS ARE THE MOST
DISHONEST PEOPLE WHO EVER LIVED SUPPORTING WHAT IS
HAPPING IN TVILLE.I WILL NEVER SUPPORT YOU GUYS AS LONG AS I
LIVE.DO NOT ASK ME EVER TO HELP YOU OUT I WILL NEVER BY
FLOWERS AT YOUR STATION EVER.I WILL GET THE WORD OUT TO
BOYCOTTE WHAT EVER YOU GUYS NEED NOW AND FOREVER

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